

October 14, 2003

John Mott-Smith
Chief of Elections
1500 11th Street
Sacramento, CA 95814

Dear John:

Per our telephone conversation of this morning, this letter is to request assistance from the Secretary of State's office to ensure that Diebold Election Systems' AVTSx, which San Diego, Kern, San Joaquin and Solano counties have selected to implement for the March 2004 Primary Election, is able to be certified by the Voting Systems Panel at its October 28th meeting.

As you know, Diebold initially submitted its technical data package to Wyle Laboratories in February 2003 and subsequently submitted its modified AccuVote-TS, the AVTSx, to Wyle in March 2003. Nearly eight months later, we believe the process will be completed by tomorrow; however we are told the final report will take a minimum of four additional weeks to complete. We faxed you this morning the letter we received from Wyle acknowledging our successful completion of all required hardware and software testing.

A substantial portion of the delay in completing the rigorous testing has been related to the fact that Diebold was the first election vendor to undergo testing pursuant to the FEC's 2002 standards that were vastly more complex than Wyle understood. Nevertheless, the fact remains that Wyle has finally finished its process and we are pleased that all testing is now successfully completed.

San Diego, Kern, San Joaquin, and Solano counties, have selected the Diebold system which would well serve California voters, but cannot be used until final certification is completed by the California Secretary of State. The new touch screen units have been delivered in full to Kern, Solano, and San Joaquin, and in substantial part to San Diego County. Without certification soon, these counties could be forced to utilize a less desirable alternative in March.

In order to ensure a timely process for implementing a touch screen voting system in these counties, we are suggesting your actions on the following items might assist with expediting the process:

1. Contact Wyle Laboratories to request a test report prior to the October 28th VSP meeting.
2. Send any necessary Secretary of State technical consultant and Elections Division staff to Huntsville, Alabama, at Diebold's expense, to review any required testing processes at Wyle Laboratories.
3. Alternatively, send the state's technical consultant and staff to McKinney, Texas, also at Diebold's expense, to review the required processes.
4. Consider any other methods to ensure the AVTSx is prepared for consideration at the October 28th meeting of the Voting Systems Panel.

Thank you for your consideration of this request, John. Working together, we trust we can serve the voters by offering the best voting technology available in today's marketplace.

Sincerely,

Frank Kaplan

Western Region Manager
Diebold Election Systems, Inc.